




J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:

MARK ROBERT ADKINS

Debtor.

**Case No. 12-31051
Chapter 7**

**ORDER APPROVING SALE OF ASSETS OWNED BY CORPORATION
IN WHICH THE DEBTOR AND HIS BROTHER, ALSO A DEBTOR IN THIS COURT,
OWNED, TOGETHER, ONE HUNDRED PERCENT (100%)**

THIS MATTER came on for consideration before the undersigned United States Bankruptcy Judge upon the motion of the Trustee seeking approval of sale of an asset owned by Adkins Aviation, LLC, a Limited Liability Corporation, as to which fifty percent (50%) is owned by the Debtor in this case (Mark Robert Adkins) and fifty percent (50%) of which is owned by William N. Adkins (brother of Mark Robert Adkins, and also a Debtor in this Court.) Further, the motion of the Trustee seeks approval of sale of an asset of a Limited Liability Corporation known as WFG NC I, LLC, which has the same ownership structure by Mark Robert Adkins and William N. Adkins.

The record shows that the motion of the Trustee and notice of same were properly filed and served, and that no objection, request for hearing, or other response to the motion has been timely filed. The Court notes the unusual situation as relates to this motion, and other motions in these cases. Mark Robert Adkins and William N. Adkins are brothers, both of whom filed Chapter 7 bankruptcy cases on 4 May 2012 in this Court. R. Keith Johnson is Trustee in both cases. Mark Robert Adkins and William N. Adkins, together, owned, at the time of filing, a number of Limited Liability Corporations and other corporations, and in virtually every instance the ownership structure was fifty percent (50%) by Mark Robert Adkins and fifty percent (50%) by William N. Adkins. As to the motion now being considered by the Court, one of the Limited Liability Corporations that is owned fifty

percent (50%) by each brother is Adkins Aviation, LLC. The Trustee has received an offer for the purchase of an aircraft hangar owned by Adkins Aviation, LLC and located at the Lincolnton-Lincoln County Airport. The motion recites that the hangar is located on a ground lease (real estate owned by the Airport Authority) which terminates on 31 January 2026, thus leaving approximately ten (10) years left on the ground lease. The lease document provides that at the termination of the lease, the hangar and any other property constructed or affixed to the real estate will become property of the Airport Authority.

The offer submitted to the Trustee for the hangar is for a purchase price of \$100,000.00, from the Lincolnton-Lincoln County Airport Authority. The Trustee indicates that he has attempted to obtain other higher offers, but no higher offers have been forthcoming. Additionally, the Trustee recites that the hangar built on the lease property is subject to a security interest in favor of Carolina Trust Bank, with a payoff of approximately \$51,000.00, which will be paid at closing. The Trustee proposes that upon the closing, he be authorized to abandon any further interest in Adkins Aviation, LLC and any property owned by it.

The motion of the Trustee also sought approval of a sale of a particular lot and certain common areas in a development in Madison County, North Carolina to Mark Robert Adkins and William N. Adkins. The property is currently held in the name of WFG NC I, LLC, which owns the lot and the common areas in the development. WFG NC I, LLC is owned fifty percent (50%) by Mark Robert Adkins and fifty percent (50%) by William N. Adkins. It appears that in addition to the common areas, this LLC owns a non-buildable lot. In order to clear the record and deal with this, Mark Robert Adkins and William N. Adkins have agreed to pay to the bankruptcy estate the sum of \$6,368.00 for the non-buildable lot and the common areas. The common areas would appear to be burdensome, as the common areas require maintenance and upkeep. The Trustee proposes that upon payment of \$6,368.00 he be authorized to abandon any further interest in WFG NC I, LLC and any property owned by it.

Based upon the motion of the Trustee, the record in this case and the related case of Mark Robert Adkins, this Court is of the opinion that the Trustee's motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Trustee shall be and he is hereby authorized to sell and transfer to the Lincolnton-Lincoln County Airport Authority any and all interest of Adkins Aviation, LLC (and any interest of the bankruptcy estate herein) in that certain hangar located at the Lincolnton-Lincoln County Airport that is currently owned by Adkins Aviation, LLC. The transfer shall be a transfer of the lease, any ownership interest in fixtures, and any and all other matters relating to the hangar at the Lincolnton-Lincoln County Airport.

IT IS FURTHER ORDERED that the sale of the hangar shall be for the sum of \$100,000.00 to be paid by the Lincolnton-Lincoln County Airport, and from the gross sale proceeds the Trustee is authorized to disburse sufficient funds to pay the secured claim of Carolina Trust Bank, and to pay any other necessary and ordinary closing costs associated with the transaction of this type.

IT IS FURTHER ORDERED that the Trustee, Mark Robert Adkins, and William N. Adkins, are hereby authorized and directed to execute any and all documents as are necessary to complete the transfer of the hangar and the lease associated with it to the Lincolnton-Lincoln County Airport Authority.

IT IS FURTHER ORDERED that the Trustee is authorized to sell and transfer to Mark Robert Adkins and William N. Adkins, or their assignee, a certain lot located in Madison County, North Carolina owned by WFG NC I, LLC, and also common areas in the development related to that LLC (River Highlands at Madison Crossing Subdivision). The purchase price shall be \$6,368.00, and upon payment of the purchase price, any further interest of the Trustee and/or the estate in WFC NC I, LLC shall be deemed abandoned.

IT IS FURTHER ORDERED that upon completion of the closing of the transfer of the hangar at the Lincolnton-Lincoln County Airport, any further interest of the Trustee and/or the estate in Adkins Aviation, LLC shall be deemed abandoned.

*This Order has been signed electronically.
The Judge's signature and Court's seal
appear at the top of the Order.*

United States Bankruptcy Court